

CIVIL COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS: HOUSING PART R

-----X
TAMEIKA HORNE,

Petitioner,

-against-

INDEX 82857/2009
DECISION/ORDER

GISELLA LAN,

Respondent.

-----X
JOHN LANSDEN, J.H.C.:

Petitioner herein is the tenant of record for the subject apartment. Respondent, LAN, is the subtenant who entered into possession in or about the end of 2005 or the beginning of 2006. The parties agreed that Respondent would sublet the subject apartment at the rate of \$900.00 per month.

Over the course of time, the relationship has soured. Petitioner now seeks possession of the subject apartment. Petitioner further stated that Respondent has not paid rent since April 2009 at the rate of \$1,000.00 per month.

Respondent raised numerous defenses relating to the nature of the housing and Petitioner's failure to obtain permission to sublet the apartment. Respondent essentially argued, under an equity doctrine, that Petitioner's unclean hands should bar her from seeking possession and entitle Respondent to become the tenant of the apartment.

The Court rejects Respondent's arguments while Petitioner's action may entitle the landlord to commence eviction proceedings against her, they do not bar the instant proceeding. Petitioner, at the date of trial, had a superior interest in the premises than Respondent. As such, Petitioner is entitled to seek possession.

Based on the foregoing, Petition is granted a final judgment of possession in the amount of \$5,000.00 as all rent through September 2009. Issuance of the warrant of eviction is stayed

ten (10) days for payment. If payment is made, the warrant will be further stayed through December 31, 2009 on condition that use and occupancy is paid by the 10th each month commencing October 2009. Respondent must vacate by December 31, 2009. If there is a default, warrant may execute after service of marshal's notice of eviction.

This constitutes a decision and order of this Court.

Dated: September 29, 2009
Kings, New York



John S. Lansden, J.H.C.

HON. JOHN S. LANSDEN



B 307—Thirty Days Notice Terminating Monthly
Tenancy or Tenancy from Month to Month: 6-2000
(In N.Y.C., serves in same manner as a Notice of Eviction)

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www.blumberg.com

April 6 2009

Re: Premises: *1310 PENNSYLVANIA AVENUE*
9th rooms *9 Floor* side Apt. No. *9F*
at
used for ☐ Business ☒ Dwelling purposes.

TO:

<p style="text-align: center;"><i>Under</i></p> <p>Tenant <input type="checkbox"/> and, Undertenant*</p> <p><i>Gisella G. Lan</i></p> <p><i>1310 PENNSYLVANIA AVE. Apt 9F</i></p> <p><i>BROOKLYN NY 11239</i></p>	<p>.....</p> <p>.....</p> <p>.....</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------

First name of Tenant and/or Undertenant being fictitious and unknown to petitioner, person intended being in possession of the premises herein described

or assigns, and every person in possession of the premises.

You are hereby notified that the Landlord elects to terminate your tenancy of the above described premises now held by you under monthly hiring. Unless you remove from the said premises on *MAY 31 2009*, the day on which your term expires, the Landlord will commence summary proceedings under the Statute to remove you from said premises for the holding over after the expiration of your term and will demand the value of your use and occupancy of the premises during such holding over.

The subject of premise is not subject to rent control or rent stabilization. The lease for the premise is between the owner of the premise and the prime tenant. Under tenant has No Lease.

Dated: *April 6 2009*

<i>Tameika Horne</i>	Prime Landlord
<i>TAMEIKA HORNE</i>	Prime Agent
<i>299 Decatur St, BKlyn NY 11233</i> Address	



X 211 — Original notice of petition, Uniform Rules, 22NYCRR 210.42(b), 10-97
Prepare 1 original. Use corresponding side of No. X210C for carbon copies.

CIVIL COURT OF THE CITY OF NEW YORK,
COUNTY OF KINGS

Index No. L & T 09K082857

**NOTICE OF PETITION
HOLD OVER**

Tameika L. Hane

against

Princess
Petitioner (Landlord)

Unen
Respondent (Tenant)

Petitioner's Residence:

Giselle E. Lee

1310 Pennsylvania Ave Apt 9F Bklyn NY 11239 Address

299 Decatur St
Brooklyn NY 11233

Respondent (Undertenant)

First name of Tenant and/or Undertenant being fictitious and unknown to petitioner,
Person intended being in possession of the premises herein described*

Business Address:

To the respondent[s] above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the Civil Court of the City of New York,
Part to be held at 141 Livingston Street, Brooklyn NY 11239

County of Kings on Tameika L. Hane at _____ am/pm, on the annexed petition
of _____ which prays for a final judgment of eviction, awarding to the
petitioner the possession of premises designated and described as follows:
the all rooms on the 9th floor, Apartment No. 9F at 1310 Pennsylvania Avenue 9F
Brooklyn NY 11239 City of New York, County of Kings and further granting to the petitioner such
other and further relief as is demanded in the petition, which you must answer.

*TAKE NOTICE also that demand is made in the petition herein for judgment against you, the respondent, for the sum of
\$ _____ with interest thereon from _____

TAKE NOTICE that your answer may set forth any defense or counterclaim you may have against the petitioner.

TAKE NOTICE also that if you shall fail at such time to interpose and establish any defense that you may have to the allegations of
the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

**TAKE NOTICE also that your answer may be made at the time of hearing specified above unless this Notice of Petition is served
upon you on or before _____ in which event you must answer at least 3 days before the petition is noticed to
be heard, either orally before the clerk of the court at his or her office or in writing by serving a copy thereof upon the undersigned attorney for
the*** petitioner, and by filing the original of such written answer with proof of service thereof in the office of the clerk at least 3 days before
the time the petition is noticed to be heard; in addition thereto, you must appear before the court at the time and place hereinabove set forth
for the hearing.

TAKE NOTICE that your failure to appear and answer may result in final judgment by default for the petitioner in the amount
demanded in the petition.

TAKE NOTICE that under Section 745 of the Real Property Actions and Proceedings Law, you may be required by the
Court to make a deposit of use and occupancy, or a payment of use and occupancy to the petitioner, upon your second
request for an adjournment or if the proceeding is not settled or a final determination has not been made by the Court within
30 days of the first court appearance. Failure to comply with an initial deposit or payment order may result in the entry of a
final judgment against you without a trial. Failure to make subsequent required deposits or payments may result in an
immediate trial on the issues raised in your answer.

Dated: _____

Attorney(s) for Petitioner Pro C
Office & Post Office Address, Telephone

Clerk

Tameika L. Hane

299 Decatur St.

Brooklyn NY 11233 718 781-0700

*Delete if inapplicable.

**Delete this paragraph if the Notice of Petition is not served at least 8 days prior to the return date.

***If the petitioner answers in person, strike out the words "undersigned attorney for the"

IMPORTANT TO TENANT — If you are dependent upon a person in the military service of the United States or the State of New York, advise the Clerk immediately, in order to protect your rights

X 210—Original Petition, Hold Over, Summary Proc.: Civil Court, 10 pt type, 1-95
Prepare 1 original. Use corresponding side of X210C for carbon copies©1986 BY Blumberg Excelsior, Inc., PUBLISHER, NYC 10013
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CIVIL COURT OF THE CITY OF NEW YORK, COUNTY OF

Kings

Index No.

Petitioner (Landlord)
Respondent (Tenant)

L & T

09K 082857

PETITION
Hold OverTameika L. Horne
Gisella G. Lan
1310 Pennsylvania Avenue Apt. 9F
Brooklyn, NY 11239First name of Tenant and/or Undertenant being fictitious and unknown to petitioner,
Person intended being in possession of the premises herein described*

THE PETITION OF

1. The undersigned is Tameika L. Horne

2. Respondent Gisella G. Lan

rental agreement made on or about 5/06
landlord (landlord's predecessor), for month month starting 5/06
and continued therein pursuant to said agreement.owner and landlord of the premises shows that:
of the Petitioner (a domestic corporation)is tenant of the premises, entered into possession under
between respondent and
ending

Respondent

is undertenant of the aforementioned respondent tenant.

3. The premises are described as follows: All rooms,
1310 Pennsylvania Ave Apt 9F Brooklyn NY 11239, 9th floor
which is situated within the territorial jurisdiction of the Civil Court of the City of New York, County of

4. The term for which said premises were rented by the respondent tenant expired on 5/31/09

5. The respondents continue in possession of the premises without permission of the landlord, or of the petitioner, after the expiration of said term.

6.**

The premises is a rent stabilized
apartment.The lease for the premises is between the
prime tenant and the landlord.

Undertenant has no lease

7. ☐ The premises are not a multiple dwelling. ☒ The premises are a multiple dwelling and pursuant to the Administrative Code Article 41 there is a currently effective registration statement on file with the Office of Code Enforcement in which the owner has designated the managing agent named below, a natural person over 21 years of age, to be in control of and responsible for the maintenance and operation of the dwelling.

Multi. Dwell. Regis. No. Registered Managing Agent's Name Address (either) Residence Business Tel. (opt.) To call for repair & service

374653 Alice Cardinale 1274 Delmar Road, Brooklyn, NY 11239

Petitioner lacks written information or notice of any address where the respondent tenant resides—is employed—has a place of business—has its principal office—place of business in New York State, other than the address of the property sought to be recovered.

At least 30 days before the expiration of the said term the respondent tenant was served in the manner provided for by law with a notice in writing, a copy of which with proof of service is hereto annexed and made a part of this petition, that the landlord elected to terminate the said tenancy and that unless the said tenant removed from said premises on the day on which said term expired the landlord would commence summary proceedings under the statute to remove said tenant therefrom.

Petitioner requests final judgment: awarding possession of the premises to the petitioner-landlord; issuance of a warrant to remove respondents from possession thereof; judgment for rent in arrears against respondent tenant for \$; fair value of use and occupancy; interest from ; costs and disbursements herein.

Dated: 7/24/09

Camille Horne

Petitioner

Tameika Horne

Print or type name

STATE OF NEW YORK, COUNTY OF

Kings

ss.: The undersigned**

☒ petitioner ☐ attorney for petitioner (petitioner is not within the county in which deponent's office is located)
☐ agent for petitioner ☐ of petitioner (petitioner is a corporation)

being duly sworn states that deponent has read heard the petition,

☐ the contents of the petition are true to deponents own knowledge except as to those matters which are alleged on information and belief. As to them deponent believes them to be true. ☒ The material allegations are within the personal knowledge of deponent
☐ the information stated above is from the books and records of the petitionerSHARON B. COVATTA
COMMISSIONER OF DEEDS
City of New York - No. 2-9932
Certificate Filed in Kings County
Commission Expires May 1, 2011

7/24/09

Print name beneath signature

Petitioner's Attorney
P.O. Address

Tameika L. Horne

299 Decatur St.

Brooklyn, NY 11239

Instructions to complete No. 6.

Choose the appropriate allegations, A, B, or C, and type or print them after No. 6.

A. The apartment is subject to rent control and the rent demanded herein does not exceed the maximum rent prescribed by the New York State Division of Housing and Community Renewal (DHCR).

B. The apartment is presently subject to the Rent Stabilization Law of 1969, as amended, because:

If you choose B, include 1, 2, 3 or 4.

1. It was subject to the Rent Stabilization Law on June 30, 1974;
2. It became subject to the Rent Stabilization Law on July 1, 1974. It had been subject to the Rent Stabilization Law on June 30, 1971, but was destabilized prior to July 1, 1974, because of a vacancy which occurred between July 1, 1971 and June 30, 1974;
3. It became subject to Rent Stabilization Law on July 1, 1974. It had been subject to the City Rent Law (rent control) on June 30, 1971, but was decontrolled prior to July 1, 1974, because of a vacancy which occurred between July 1, 1971 and June 30, 1974;
4. It became subject to the Rent Stabilization Law on (rent control) on June 30, 1974, but was thereafter decontrolled because of a vacancy which occurred on It had been subject to the City Rent Law

If you choose A or B, include the following language.

and the owner of the premises: has registered rents and services with the DHCR pursuant to the Administrative Code; is in compliance with the Rent Stabilization Law and Code; and the rent demanded herein does not exceed the legal regulated rent permitted the owner under said Law, Code and appropriate Rent Guidelines Board Orders.

C. The apartment is not subject to any of the foregoing by reason of add language describing the reason

Index No. L & T

**Civil Court of the City of New York
County of Kings**

Tameika L. Horne

Primo Tenant
Petitioner (Landlord)

against

Gisella G. Las

Under
Respondent (Tenant)

Respondent (Undertenant)

1310 Denisy Ivanette
9F, Brooklyn, NY 11239

Premises

PETITION HOLD-OVER

Resp. answered on.....

Answer is

Counterclaim

Trial set for

Landlord notified

Tenant notified

Dated:.....

J.C.C.

ADJOURNMENTS:

MEMORANDA

~~Attorney for~~ Petitioner

Pro Se

Office, Post Office Address and Telephone Number

Tameika L. Horne
299 Decatur ST.
Brooklyn, NY 11233

718-781-0700

being duly sworn, deposes and says that deponent is not a party to this proceeding, is over 18 years of age and resides at

being duly sworn, deposes and says that he is the agent of

Petitioner in the within proceeding.

That on _____ at No. _____

That the property sought to be recovered is No. _____

deponent served the within notice of petition and petition on

(a) respondent therein named, by delivering a true copy of each to said respondent personally; deponent knew the person so served to be the person described as said respondent therein. Deponent describes the individual as

☐ male ☐ female height _____ weight _____ hair color _____ age _____

(b) a _____ corporation, respondent therein named, by delivering a true copy thereof to

_____ personally; deponent knew said corporation so served to be the corporation described therein as said respondent and knew said individual to be the

thereof.

Sworn to before me on

Sworn to before me on

State of New York, County of _____

ss.

says, that deponent is not a party to this proceeding, is over 18 years of age and resides at No. _____

being sworn,

Deponent was unable to serve

respondent by

personal delivery. The property sought to be recovered is No. _____

On _____ at _____ o'clock M. deponent served the within notice of petition and petition by gaining admittance to said property and delivering to and leaving a copy thereof personally with a person of suitable age and discretion, who was willing to

receive same and who — resided — was employed — at said property
☐ by affixing a copy thereof upon a conspicuous part, to wit: — the entrance door of said property;
☐ by placing a copy thereof under the entrance door of such premises;
 deponent was unable to gain admittance thereat or to find a person of suitable age and discretion willing to receive same.

MAILING

and within 1 day thereafter, on _____ by mailing a copy thereof enclosed in a postpaid properly addressed wrapper to respondent at the property sought to be recovered which is respondent's residence or corporate respondent's principal office or principal place of business by registered-certified-mail and by regular first class mail.

use either (a) or (b) if applicable

(a) which is individual respondent's last — residence address — place of business or employment address.
 (b) which is corporate respondent's last known principal office or principal place of business within the state by depositing the same in — post office — official depository under the exclusive care and custody of the United States Postal Service within the state.

Sworn to before me on

L & T Index No. _____
 Civil Court of the City of New York
 County of 12 (NYS) Part _____

Tameika L. Horne

Petitioner
 (Landlord)

Prime Tenant

Gisella G. Laro

Owner

Respondent (Tenant)

Respondent (Undertenant)

Notice of Petition-Hold Over

Attorney for Petitioner ROSE

Office, Post Office Address and Telephone Number

Tameika L. Horne

299 Decatur St.

Brooklyn, NY 11253

718 781-0700

SERVICE BY PERSONAL DELIVERY

SERVICE OTHER THAN BY PERSONAL DELIVERY

strike out either (a) or (b)

AFFIDAVIT AS TO LAST RESIDENCE

Attempt: APRIL 17, 2009 @ 6:07 P.M.

State of New York, County of **KINGS**

ss.:

SERVICE OTHER THAN BY PERSONAL DELIVERY

Joseph Hair being duly sworn, deposes and says, that deponent is over 18 years of age and resides at
 Bronx, N.Y.C.

tenant by personal delivery.

Deponent was unable to serve

The property sought to be recovered is No. #

GISELLA G. LAN

On APRIL 29, 2009

1310 Pennsylvania Avenue Apt. # 9F

strike out inapplicable statements

@ 11:31 A.M.

BROOKLYN, NEW YORK 11239 9th Flr, Bldg # C6

**SUBSTITUTED
SERVICE**

by gaining admittance to said property and delivering to and leaving a copy thereof personally with

a person of suitable age and discretion, who was willing to

receive same and who — resided — was employed — at said property

**CONSPICUOUS
PLACE
SERVICE**☒ by placing a copy thereof under the entrance door☒ by affixing a copy thereof upon a conspicuous part, to wit ~~the~~ entrance door

of said property; deponent was unable to gain admittance thereat or to find a person of suitable age and discretion willing to receive same.

MAILING

and within 1 day thereafter, on APRIL 30, 2009 by mailing a (2) copy thereof enclosed in a postpaid
 properly addressed wrapper to tenant at the property sought to be recovered which is tenant's residence or corporate tenant's
 principal office or principal place of business by registered certified mail,

1310 Pennsylvania Avenue Apt # 9F, 9th Flr
 and an additional copy No. Brooklyn, New York 11239 Bldg. # C6

use either (a) or (b)
if applicable

(a) which is individual tenant's last residence address — place of business or employment address

(b) which is corporate tenant's last known principal office or principal place of business within the state by depositing the same
 in — a post office — official depository under the exclusive care and custody of the United States Postal Service within the state.

Sworn to before me on

5/8/09

HAYDA GONZALEZ
 COMMISSIONER OF DEEDS
 City of New York - No. 2-9932
 Certificate Filed in Kings County
 Commission Expires May 1, 2011

1023605

Joseph Hair

State of New York, County of

ss.:

SERVICE BY PERSONAL DELIVERY

over 18 years of age and resides at

being duly sworn, deposes and says that deponent is not a party to this proceeding, is

That on

at No.

deponent served the within notice on

strike out either
(a) or (b)

(a) tenant therein named, by delivering a true copy of each to said tenant personally; deponent knew the person so served to be the person described as said tenant therein.

Deponent describes the individual served as follows:

☐ Male
☐ Female

☐ White Skin
☐ Black Skin
☐ Yellow Skin
☐ Brown Skin
☐ Red Skin

☐ Black Hair
☐ Brown Hair
☐ Blond Hair
☐ Gray Hair
☐ Red Hair

☐ White Hair
☐ Balding

☐ 14-20 Yrs.
☐ 21-35 Yrs.
☐ 36-50 Yrs.
☐ 51-65 Yrs.
☐ Over 65 Yrs.

☐ Under 5'
☐ 5'0" - 5'3"
☐ 5'4" - 5'8"
☐ 5'9" - 6'0"
☐ Over 6'

☐ Under 100 Lbs.
☐ 100-130 Lbs.
☐ 131-160 Lbs.
☐ 161-200 Lbs.
☐ Over 200 Lbs.

Other identifying features:

(b) a
to

corporation, tenant therein named, by delivering a true copy thereof
 personally; deponent knew said corporation
 so served to be the corporation described therein as said tenant and knew said individual to be the thereof.

Sworn to before me on

Civil Court of the City of New York

Courty of KINGS

Part 1

Index Number 103551/09

Motion Cal. # _____

Motion Seq. # _____

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers

Numbered

Notice of Motion and Affidavits Annexed.....

Order to Show Cause and Affidavits Annexed.....

Answering Affidavits

Replying Affidavits.....

Exhibits

Other.....

Claimant(s)/Plaintiff(s)/Petitioner(s)

against

Defendant(s)/Respondent(s)

THAMEKA HORNE,

ANDRE WRIGHT,

Upon the foregoing cited papers, the Decision/Order on this Motion to _____

is as follows:

After a digitally recorded trial of this
Hearsee proceeding commenced by petitioner, the prime
tenant of apt 9-F in the building located at 1310 Pennsylvania
Avenue (the "Apartment") which is located in the complex
known as Starrett City against respondent Andre Wright
the Court makes the following findings of fact and conclusions
of law.

Initially, there is no dispute that respondent Andre Wright
is married to Gisela Lan. Nor is there any dispute that
petitioner commenced a proceeding against Gisela Lan to
terminate her monthly tenancy and that an after trial judgment
issued against Gisela Lan from Housing Judge Landson
pursuant to a decision and order (one paper) dated September 24,
2009. Concededly, respondent Andre Wright appeared in

Date

Judge, Civil Court

1 of 6

Civil Court of the City of New YorkCounty of KINGSPart PIndex Number 103551/09

Motion Cal. # _____

Motion Seq. # _____

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Claimant(s)/Plaintiff(s)/Petitioner(s)
againstTAMIEKA HORNE,

Defendant(s)/Respondent(s)

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed.....	_____
Answering Affidavits	_____
Replying Affidavits.....	_____
Exhibits	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion to _____

Gisela Lan at the trial of that matter, participated is as follows:
in the trial and testified at the trial. However, after
the trial, he made a motion to Housing Judge Lansden
which, among other things, noted that he had not been
named as a Party to that proceeding. The motion's
other elements were denied but the Court noted that
the warrant of eviction was as to Gisela Lan only and
"not to any other adult occupants...and is without prejudice"
to a proceeding against him. Petitioner thereafter commenced
this license proceeding against respondent.

Petitioner testified that she is the prime tenant of the
Apartment and otherwise credibly testified to her prima
facie case. The Court finds that she sustained her burden
in establishing her prima facie case. In this regard, she

Date

Judge, Civil Court

2 of 6

Civil Court of the City of New YorkCounty of KINGSPart PIndex Number 10.3551/09

Motion Cal. # _____

Motion Seq. # _____

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Claimant(s)/Plaintiff(s)/Petitioner(s)

against

Papers

Numbered

Notice of Motion and Affidavits Annexed.....

Order to Show Cause and Affidavits Annexed.....

Answering Affidavits

Replying Affidavits.....

Exhibits

Other.....

Defendant(s)/Respondent(s)

Upon the foregoing cited papers, the Decision/Order on this Motion to _____

petitioner credibly testified that Gisela Lan was his substantial and that she was not aware the Respondent was married to Gisela Lan or, indeed, occupied the Apartment with Gisela Lan. In this regard, petitioner testified (and testimony submitted by Gisela Lan who was present for the trial and sitting at counsel table although not a party to this proceeding and who participated at trial by giving respondent questions to ask petitioner during cross-examination) that several men appeared at the Apartment and several of them, in addition to respondent, were sent for the Apartment on behalf of Gisela Lan. Respondent testified, he testified that he resides in the Apartment with Gisela Lan. He further testified that the pleadings were defective because he is not

Date _____

Judge, Civil Court _____

3 of 6

Civil Court of the City of New York

County of KINGSPart PIndex Number 103551/01

Motion Cal. # _____

Motion Seq. # _____

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers

Numbered

Notice of Motion and Affidavits Annexed.....

Order to Show Cause and Affidavits Annexed.....

Answering Affidavits

Replying Affidavits.....

Exhibits

Other.....

Claimant(s)/Plaintiff(s)/Petitioner(s)
againstTAMIE HA HERNE,

Defendant(s)/Respondent(s)

Upon the foregoing cited papers, the Decision/Order on this Motion to _____

is as follows:

a licensee of petitioner and, ostensibly, since he gave rent to her, he is a monthly tenant. He further testified that the envelope for the papers mailed to John & Jane Doe did not have "PERSONAL AND CONFIDENTIAL" as required by statute. He further testified that the copy of the papers which he received were different from the Court papers. The Court finds that respondent failed to sustain his burden in establishing any meritorious defense in this licensee proceeding. Addressing his allegation of financial delinquency (all of respondent's exhibits were marked by the Court) the Court finds no difference between the original or served copies. The Court further finds that the envelope to John and Jane Doe does not have "PERSONAL AND CONFIDENTIAL" on its face but this acts as no bar

Date

Judge, Civil Court

4 of 6

Civil Court of the City of New YorkCounty of KINGSPart PIndex Number 113551/09

Motion Cal. # _____

Motion Seq. # _____

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed.....	_____
Answering Affidavits	_____
Replying Affidavits.....	_____
Exhibits	_____
Other.....	_____

Claimant(s)/Plaintiff(s)/Petitioner(s)

against

Defendant(s)/Respondent(s)

TAMEILA HERNE,ANDRE WRIGHT,

Upon the foregoing cited papers, the Decision/Order on this Motion to _____

is as follows:

is a judgment in this proceeding on the merits
 grounds and respondent, since he is pointing out these things,
 clearly is not denying service on himself and did not say so
 during his testimony. Addressing the substance, the Court finds
 completely credible petitioner's testimony that Gisela Lora
 was her tenant and that any payments of rent made by
 respondent were on behalf of Gisela Lora. Respondent
 therefore never became an occupant who may credibly be a tenant
 from month to month. Respondent is a licensee and petitioner
 properly commenced a licensee proceeding against him.
 Any remaining contentions by respondent the Court finds
 not credible or devoid of merit.

Accordingly, petitioner is awarded a final judgment
 of possession against respondent, Andre Wright,

Date

Judge, Civil Court

5 of 6

Civil Court of the City of New YorkCounty of KINGSPart 1Index Number 103551/09

Motion Cal. # _____

Motion Seq. # _____

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers**Numbered**

Notice of Motion and Affidavits Annexed.....

Order to Show Cause and Affidavits Annexed.....

Answering Affidavits

Replying Affidavits.....

Exhibits

Other.....

Claimant(s)/Plaintiff(s)/Petitioner(s)

against

Defendant(s)/Respondent(s)

TAMIEKA HORNE,ANDRE WRIGHT,

Upon the foregoing cited papers, the Decision/Order on this Motion to _____

As petition is awarded a final judgment is as follows:
of possession against Andre Wright, a final judgment
of possession also is awarded after request as
against John and Jane Doe. Issuance of the warrants
of eviction are stayed for (5) days.

The trial was digitally recorded 12/11/09 at
F7K 506. The trial was a Double Pro se proceeding
with none of the parties represented by Counsel.

This is the decision and order of the Court (one
paper) which is handed to the parties in open Court
on 12/11/09.

Date 12/11/09

LAURENCE LAU
 JUDGE, HOUSING COURT

6 of 6

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS PART 8
DECISION AND JUDGMENT

INDEX # 103551/2009
 JUDGMENT SEQ # 001

HORNE, TAMIKA L

Petitioner(s)

AGAINST
 WRIGHT, ANDRE
 DOE, JOHN
 DOE, JANE

Respondent(s)

Decision and judgment is rendered based upon
a decision made after trial as follows:

Judgment of possession is granted in favor of:

HORNE, TAMIKA L
 and against
 WRIGHT, ANDRE

A counterclaim is granted in favor of the respondent in the amount of \$0.00
 (which if not being entered separately is offset and reflected in the
 total amount due, listed below.)

A money judgment is hereby granted, along with cost and disbursements
 in the amount of \$0.00 in favor of:

HORNE, TAMIKA L
 and against
 WRIGHT, ANDRE

for a total amount of \$0.00

(Monthly use and occupancy is set at \$0.00 per month, as per order,
 stipulation or decision in record.)

Warrant to issue as per stip/order

Execution

Date

12/11/09

Judge Civil/Housing Court L. LAU

Section 5020(c) of the Civil Practice Law and Rules requires that a satisfaction be filed with the clerk when the judgment is satisfied. Failure to do so subjects the judgment creditor to penalties.

ENTRY OF JUDGMENT

Judgment entered in accordance with the above on

Chief Clerk, Civil Court

Warrant issued to Marshal On

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS PART 0
DECISION AND JUDGMENT

INDEX # 103551/2009
 JUDGMENT SEQ # 002

HORNE, TAMIKA L

Petitioner(s)

AGAINST
 WRIGHT, ANDRE
 DOE, JOHN
 DOE, JANE

Respondent(s)

Decision and judgment is rendered based upon
 a decision made after an inquest was held as follows:

Judgment of possession is granted in favor of:

HORNE, TAMIKA L
 and against
 DOE, JOHN
 DOE, JANE

A counterclaim is granted in favor of the respondent in the amount of \$0.00
 (which if not being entered separately is offset and reflected in the
 total amount due, listed below.)

A money judgment is hereby granted, along with cost and disbursements
 in the amount of \$0.00 in favor of:

HORNE, TAMIKA L
 and against
 DOE, JOHN
 DOE, JANE

for a total amount of \$0.00

(Monthly use and occupancy is set at \$0.00 per month, as per order,
 stipulation or decision in record.)

Warrant to issue as per stip/order

Execution

Date

12/1/09

Judge, Civil/Housing Court

Section 5020(c) of the Civil Practice Law and Rules requires that a satisfaction be filed with the
 clerk when the judgment is satisfied. Failure to do so subjects the judgment creditor to penalties.

ENTRY OF JUDGMENT

Judgment entered in accordance with the above on

Chief Clerk, Civil Court

Warrant issued to Marshal On

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS
HOUSING PART R, RM. 403
NOVEMBER 15, 2009

INDEX NO. 082957/2009
MOTION SEQUENCE NO.: 001

HORNE
TAMEIKA
PETITIONER(S),
AGAINST
LAN
GISELLA G
RESPONDENT(S)

DECISION/ORDER

PRESENT:

JOHN S. LANDSEN
JUDGE

RECITATION, AS REQUIRED BY CPLR 2219(a), OF THE PAPERS CONSIDERED IN THE
REVIEW OF THIS MOTION OF VACATE 9/29/09 DECISION/ORDER

PAPERS

NUMBERED

NOTICE OF MOTION AND AFFIDAVITS ANNEXED.....
ORDER TO SHOW CAUSE AND AFFIDAVITS ANNEXED....
ANSWERING AFFIDAVITS.....
REPLYING AFFIDAVITS.....
EXHIBITS.....
STIPULATION.....
OTHER.....

UPON THE FOREGOING CITED PAPERS, THE DECISION/ORDER IN THIS MOTION IS
AS FOLLOWS:

*On or about 9/29/09, the Court vacated its order
of vacating the Motion when the parties
agreed to the Court's order to show cause
regarding action. The Court denies all other relief
sought other than the Court's order that the parties
show cause. Petitioner's only to the Court's order.
Gisella Lan and not to any of her respondents.
The Court is not required to determine whether or not the
parties to the motion possession of the premises and
to show the Court's order to show cause.*

DATE 11/10/09

JUDGE, CIVIL/HOUSING COURT

ADJOURNMENTS